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ABSTRACT

Recent headlines in the North Carolina and national media illustrate that many schools are unsafe places for children and school staff. Problems associated with student misconduct and student crime can be found in schools and appear to be increasing. This publication identifies strategies for creating safe environments for learning in North Carolina's public schools. Strategies adopted by the few states that have developed statewide policies and laws include: (1) statewide reporting of school misconduct and crime; (2) policies regarding reporting of school crimes to local law enforcement officials; (3) increased penalties for misconduct and crime; (4) establishing parent responsibility for student crime; (5) policies and programs for students expelled for misconduct and crime; and (6) prevention and intervention strategies, such as staff training, community partnerships, and school-safety plans. Based on this review, five strategies aimed at deterring school crime and seven strategies aimed at preventing school misconduct and crime are presented. Appendices include a reprint of a newspaper article, the Mississippi State Board of Education weapon policy, a memo regarding the legal framework for managing unruly students, the North Carolina statute regarding weapons on campus or other educational property, student rights and responsibilities policy of the Milwaukee Public School District (a chart delineates types of student responsibility, examples of conduct which violates expectation, definition of conduct, and discipline action levels), the recommendations of Florida's violence prevention work group, recommendations of the South Carolina Safe Schools Committee, and a partial list of articles on school conduct and crime. (LMI)

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CREATING SAFE ENVIRONMENTS FOR LEARNING IN NORTH CAROLINA'S PUBLIC SCHOOLS

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Creating Safe Environments for Learning in North Carolina's Public Schools

Tanya M. Suarez

May, 1992

NORTH CAROLINA EDUCATIONAL POLICY RESEARCH CENTER

CREATING SAFE ENVIRONMENTS FOR LEARNING IN NORTH CAROLINA'S PUBLIC SCHOOLS

Tanya M. Suarez
North Carolina Educational Policy Research Center

EXECUTIVE SUMMARY

Recent headlines illustrate that many of our schools are unsafe places for children and school staff. Problems associated with *student misconduct*, such as disruptions and aggressive behavior, and *student crime*, such as assault and battery and weapons possession, can be found in schools and appear to be increasing. A number of the societal problems in the state contribute to the increase in student behavior problems. These include the declining standard of living of many families, increases in the amount of time children spend unsupervised, changing family structures, increased child poverty, increased child abuse and neglect, and decreased parent involvement in schools. Literature on schools that are safe suggests that: (a) they have environments that are structured yet supportive of students, (b) they have strong leadership in creating a positive environment, (c) they are places that have high expectations for students and, at the same time, instruction that is based on the academic, cultural, and developmental needs of the students, (d) they have clear policies and consequences for misconduct designed to help students rather than to solely punish them, and (e) they are places with a lot of parent involvement and community support and cooperation.

Policies and programs regarding school safety and student misconduct have historically been delegated to local school districts and schools. For that reason, most of the development of model programs and practices has taken place at the local rather than state level. Because of the increase in school crime and violence, states have begun to establish policies, particularly through statute, to address these kinds of problems. Strategies adopted by the few states which have developed statewide policies and laws include: (a) statewide reporting of school misconduct and crime, (b) policies regarding reporting of school crimes to local law enforcement officials, (c) increased penalties for misconduct and crime, (d) establishing parent responsibility for student crime, (e) policies and programs for students expelled for misconduct and crime, and (f) prevention and intervention strategies such as staff training, community partnerships, and the development of school plans to promote safety. Based on the review, the following recommendations are made:

Strategies Aimed at Deterring School Crime

1. Require local school boards to add policies regarding school crime, particularly weapons possession, to their existing school conduct policies.
2. Encourage local school boards to include a broad range of alternative consequences and interventions for misconduct and crimes conducted by children in school.
3. Encourage local school boards to widely disseminate their policies regarding student conduct and school safety.
4. Launch and/or encourage local communities to launch public information campaigns promoting safety in school.
5. Support legislation that make parents responsible when children take guns from their homes to school.

Strategies Aimed at Preventing School Misconduct and Crime

1. Gain a better understanding of the nature of the problem of school misconduct and crime in North Carolina and the status of programs in place to address the problem.
2. Encourage local school boards and education agencies to work with parents, community agencies and citizens to analyze the problem of school safety in their school district and develop strategies to solve their local problems.
3. Provide information to local education agencies regarding successful programs and practices designed to ensure school safety and student success.
4. Develop programs for disruptive and excluded students and recommend them for funding.
5. Analyze the Standard Course of Study for its inclusion of instruction in personal development including self-discipline, decision making, and conflict resolution.
6. Analyze the training needs of school administrators, teachers and school building staff regarding safety and school climate. Develop and conduct training statewide where needed.
7. Model interagency coordination for local communities by working with the Department of Human Resources, and the Juvenile Division of the Administrative Offices of the Courts to develop or expand existing programs designed to meet the needs of disadvantaged and at-risk children in North Carolina.

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CREATING SAFE ENVIRONMENTS FOR LEARNING IN NORTH CAROLINA'S PUBLIC SCHOOLS

INTRODUCTION

Recent headlines in the North Carolina and national media have illustrated that many of our schools are unsafe places for children and school staff. Parents and teachers are concerned about disruptive students who interfere with the efforts of other students to learn. These concerns indicate that in our efforts to reform and improve education there is an equally important need to address issues related to the changing school population and environment if reform and improvement are to occur.

The problems cited are those historically labeled as discipline problems. These include such *student misconduct* problems as tardiness, rule violations, disruptions, insubordination, and aggressive behavior. Recently this category has come to include an increasing number of what would be labeled for adults as *crimes*, such as assault and battery, robbery, drug offenses, weapons possession and even murder.

North Carolina does not gather statewide statistics about school misconduct and school crime. However, other North Carolina and national statistics shed light on the problem.

- The standard of living of most families in the U.S. has declined.[1] Related to this is the increase in spouses working outside of the home and a resulting increase in the number of children who spend large quantities of time unsupervised.
- Family structures have changed; divorce, working parents, single parents, lack of adult supervision and other changes in the family have been related to *student discipline problems,* drug use, low self esteem, sexual promiscuity, and *violence.*[2]
- Parents are less involved in school, resulting in increased risk of their children being absent, truant, or dropping out of school.[3]
- Children, especially young ones, form the fastest growing segment of those living in poverty in the U.S. In North Carolina, more than two-thirds of the counties have child poverty rates greater than twenty percent.[4] Child poverty and the neglect that often accompanies it are strongly associated with *poor school performance*, child abuse, teen pregnancy and *juvenile crime.*[5]
- The number of children reported as abused or neglected in North Carolina has increased 15.2 percent since 1990 with over 52,000 children in protective custody. Abuse and neglect are associated with *juvenile crime.*[6]
- North Carolina ranks 41st in the country on indices related to the welfare of children.[7]
- In 1990, 36 percent of 9th and 12th grade males and 12 percent of 9th grade and 9 percent of 12th grade females in North Carolina reported carrying weapons for protection. Most carry knives and razors; however, about 12 percent of the males and 3 percent of the females reported carrying handguns.[8]
- Juveniles are committing *more serious crimes*. The juvenile arrest rate for Cat-

egory I crimes in North Carolina (murder, robbery, assault, drug offenses and weapons possession) has increased and currently represents about half of all juvenile crimes.[9]

- Based on news stories from U.S. newspapers, during the past 4 years, beginning with September 1986, at least 71 people (65 students and 6 employees) have been killed with guns at school. Another 201 were severely wounded, and 242 individuals were held hostage at gun point. During this same period, shootings or hostage situations have occurred in at least 35 states and the District of Columbia. Males are most frequently offenders (93 percent) as well as victims (76 percent). School children aged 14-17 are most at risk of gun violence in school, which occurs most often in hallways (25 percent) and in classrooms (19 percent). Gang or drug disputes were the leading cause of school gun violence (18 percent). Long-standing arguments (15 percent), romantic disagreements (12 percent), fights over material possessions (10 percent), and accidents (13 percent) are also common. Handguns are the overwhelming choice of firearm for those who committed gun violence in schools. Gun confiscation figures are also increasing yearly in schools across the U.S. With an estimated 400,000 boys carrying handguns to school yearly, there is a tremendous potential for even greater rates of death, injury, and violence.[10]

- Local school board chairs report that the issue of real and threatened violence in schools in North Carolina is serious and getting worse.[11]

These statistics, while they do not describe the extent of school misconduct and crime in North Carolina, do describe a climate in our state that is conducive to these kinds of problems. As one North Carolina principal stated, "It's amazing that schools are so safe in a society that is so violent."[12] These statistics and analyses of the problem from other states such as Florida and South Carolina[13] also illustrate that effective solutions to increased student misconduct and crime will not be simple nor will they be found in schools only.

What Are Safe Schools?

The literature on school safety indicates that in the midst of community disorder and violence, schools may be safe places where learning takes place. The characteristics of safe schools include the following:[14]

Characteristics Related to Students

- personnel such as school counselors, psychologists, nurses, tutors, law enforcement and other community agency staff to support students, parents and staff
- instruction relating to self-awareness, personal development, and social relationships
- a perception of belonging and commitment to the school
- recognition of students when they succeed in their academic and interpersonal development

Characteristics Related to Structure and Environment

- active strong leadership of the principal in creating a positive social environment
- an administrative structure that is open and flexible rather than closed and rigid
- cohesiveness among teaching staff and principal

- curriculum driven by the academic, cultural, and developmental needs of the students
- classroom environments that emphasize cooperation over competition and where students feel safe to take academic risks
- active involvement of students, teachers, and parents in meaningful decision making
- high expectations for academic performance and personal behavior
- adequate supervision in and out of the classroom
- small school size or large schools divided into smaller units such as schools within schools

Characteristics Related to Policies

- rules that are clear, firmly enforced, and equitably administered, that are well known by students, parents, and school staff.
- effective discipline with active participation of all faculty, the involvement of students in problem-solving situations, and a focus on the causes rather than the symptoms of discipline
- discipline and consequences used as feedback and help to students rather than short-term punitive responses

Characteristics Related to Parent and Community Involvement

- vigorous cooperation with community agencies
- parent involvement in the school

What Strategies Are Used For Extremely Disruptive or Violent Students?

Even within safe school environments, there are students whose behavior threatens the education and safety of others. The most commonly mentioned strategy for dealing with students who seriously threaten the safety of schools and/or the people in them is removal from school through long-term suspension or expulsion.

Long-term suspension or expulsion of regular education students may solve a school's immediate problem, but it is not an effective long-term solution.[15] As the case of Andy, a 14 year old Wake County student illustrates, many students have no educational alternative when they are expelled.[16] (See Appendix A). Added to the concern over the loss of education for a child is the fact that a number of juveniles who should otherwise be in school commit crimes (e.g. two-thirds of the daylight burglaries nationwide).[17] The expulsion of students with no educational alternative simply transfers the problem from the school to the local community.

Long-term suspension or expulsion are options that are not, however, always legal for children who have been determined by the school district to be handicapped. In 1988 the U.S. Supreme Court ruled in *Honig v. Doe* that the right of a dangerous but handicapped child to attend public school as required under the Education of the Handicapped Act outweighs his potential threat to the well-being of others on campus. Children with handicaps related to the incident must remain in their current educational setting, unless their parents or guardians agree otherwise, until lengthy administrative hearings are completed. As illustrated in Wake County, considerable controversy may result when alternative placements for violent special education students are established.[18]

A number of alternatives are used by school districts to remove dangerous and disruptive students from regular classrooms and yet not release them into the community. These range from in-school suspensions to alternative school placements. The most effective of these are ones that address the behavior problems of the students rather than simply provide exclusion as punishment.

What Strategies Are Used To Address the Problem of Particularly Dangerous Schools?

Schools in particularly dangerous neighborhoods or where student misconduct and crime are high, most notably in certain urban areas, have developed a number of strategies to deter violence. The two most common strategies are the use of security personnel in the school and searches of students to detect weapons and drugs.

The use of security personnel, like other highly visible security strategies, is controversial. As Sendor states, "Police officers should realize that their presence in schools can disrupt education, that education and student discipline require that police presence be kept to a minimum." In schools with high crime, however, his recommendation is different, "Principals plagued by a high incidence of crime might adopt a different approach. In such schools, regular visits or even the presence of a police officer could help deter crime."[19]

Schools use a number of searching strategies to detect weapons and drugs in schools. The most traditional is searching of student lockers. The most recent and controversial is the use of metal detectors. The controversy over metal detectors resides in the Fourth Amendment to the U.S. Constitution regarding unreasonable searches. Other concerns about metal detectors are their cost[20] and their effectiveness.[21] The most effective strategy for detecting weapons and drugs in schools is tips from students.[22]

Other strategies used to deter violence and crime in schools include restricting access to school buildings by check-in stations, the use of ID badges for students, staff, and visitors, increasing the presence of adults in the school, and the use of two-way communication systems such as walkie-talkies. Since strategies like these have negative trade-offs, their use should probably be restricted to the most dangerous school environments.

State Policies Regarding School Safety

The most common policy practice in states is to delegate the development and implementation of policy regarding student conduct in school to local educational governing authorities. As a result, most of the policy and program development in this area has occurred at the local rather than the state level. As violence and crime in school have increased, however, an increasing number of states have created statewide policies and laws regarding school safety.

State-level Policy Regarding School Misconduct and Crime Versus State Mandates for Local Policy

States take three stances relative to policy regarding school crime and safety: a) the delegation of all policy to the local level, b) the delegation of policy to the local level with requirements for the inclusion of specific policies, and c) the specification of extensive policy and statute at the state level.

In the first case, Tennessee, for example, directs local governing bodies for each local education agency (LEA) to formulate a code of acceptable behavior and discipline and then lists

circumstances that must be covered in the code, including the possession of weapons in schools. Superintendents and other administrative staff are given responsibility for overall implementation and supervision of the policy while principals have the responsibility for implementation and administration of the policy in their schools.[23]

Other states, like South Carolina, have amended and added statutes to specific aspects of policy to which local boards must adhere, including increased penalties for weapons and drug violations, the establishment of drug-free zones around schools, the establishment of conditions under which a fifteen year old may be tried as an adult, and the inclusion of principals and teachers in the law relating to threats against public officials.[24] Likewise, Mississippi has required an addition to local policies regarding weapons.[25] (See Appendix B).

A few states, notably California, have extensive state statutes regarding safe schools. California statute mandates school crime reporting to the state, requires principals to report all crimes, misdemeanors or felonies, to the police, defines weapons and recommends expulsion of students in every case involving possession of a handgun, makes parents criminally responsible for children's use of a parent-owned weapon at schools, and requires every public school and district in the state to develop a comprehensive plan for school safety, discipline, and attendance. In addition, California has a constitutional provision guaranteeing safe schools. Called the "Victim's Bill of Rights" the provision states: "All students and staff of public primary, elementary, junior and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful."[26]

North Carolina statute directs local boards of education to adopt policies regarding student conduct. (See Appendix C). More specific guidance is given in statute and State Board policy regarding suspensions and expulsions. Policies regarding suspension and expulsion for children identified with special education needs, regarding corporal punishment, and regarding vandalism are found in state statute.[27] While there is no State Board policy or statutory requirement for local board policies regarding school crimes such as the possession or use of weapons, North Carolina general statute prohibits people from possessing weapons at school, with the exception of specific officials, and in very specific circumstances, students.[28] (See Appendix D). As a result of the recent media coverage of weapons in school in North Carolina, many local school boards are examining and revising their policies to include specific policies regarding the possession of weapons by students at school (e.g. Chowan, Davidson, Duplin, Durham City, Halifax, High Point, Lee, and Wake).

Statewide Reporting of School Misconduct and Crime

A few states (e.g. California, Florida, New Mexico, and South Carolina) have mandated statewide reporting of criminal incidents in schools. Other states that did not have statewide reporting such as South Carolina and Florida convened task forces to gather information about the problem in their state. Both groups recommended that a statewide reporting system be established as a result of definitions that vary across LEAs. (See footnote 2).

North Carolina, like most other states, does not have a statewide reporting system regarding school misconduct and school crime. The five superintendents who discussed this issue for this report were not in favor of a statewide reporting system because of the expense, the additional time and paperwork required to implement the system, the negative effects on school districts of the publication of the information, and most importantly, issues related to the reliability and

validity of the resulting data gathered across LEAs with varying definitions.

Policies Regarding Reporting of School Crimes to Local Law Enforcement Officials

Under the principle of *in loco parentis*, school personnel have historically followed policy and personal judgment in determining whether or not to report criminal conduct at school by juveniles to local law enforcement authorities. In some circumstances, school personnel prefer to act within school disciplinary policies and/or consult with parents rather than have a student arrested. When this type of policy is used, it is recommended that schools have rational guidelines making decisions about calling the police.[29]

Some states require that school personnel report all incidents of *specific* crimes to the local law enforcement officials. Tennessee, for example mandates that school officials report (a) weapons possession or use, (b) assault and battery and (c) vandalism endangering life, health, or safety. Other states, such as California require reporting of *all* school crimes, misdemeanors or felonies, to local law enforcement authorities.

North Carolina law does not require *anyone* to report criminal conduct to the government with the exception of cases of criminal child abuse. The decision of whether or not to report school crime is left to the discretion of the local school boards and their designated agents.[30]

Penalties for Misconduct and Crime

A number of states are increasing the penalties for school crime, particularly for those associated with weapons and drugs at school. South Carolina, for example, has passed a statute declaring the possession of a weapon a misdemeanor subject to a fine of up to $1000 and a sentence of up to one year in jail. A proposed bill in Colorado would increase penalties to a jail term of up to two years and set fines of $1000 to $10,000. Oklahoma is considering a bill that would make the possession of a weapon on school grounds a felony.

North Carolina law states that someone taking a weapon on school grounds be punished for a misdemeanor with penalties not to exceed six months of imprisonment and/or a fine not to exceed $500. (See Appendix D)

Parent Responsibility for Student Crime

An emerging policy issue is that of relating parental responsibility for the school crimes of their children, particularly when students are found to be in possession of their parents' weapon at school. A survey of weapons incidents by the Florida School Boards Association for the school years 1986-1988 found that of students who brought weapons to school, 85.5 percent obtained their weapons/firearms from home[31] As a result, the Florida legislature passed a law stating that parents whose children *used* a gun and harmed someone would be charged with a felony and sentenced to up to 5 years in prison and fined up to $5,000. Parents of children who displayed a gun or threatened someone with a gun would be subject to a misdemeanor and sentenced to up to 60 days in jail and fined up to $500.[32] Other states, such as California, Connecticut, Florida and Iowa also have laws making parents responsible for the weapons their children bring to school.[33]

North Carolina school districts are beginning to consider the responsibility of parents when students bring weapons to school. Halifax County, for example, has passed a policy charging parents of children bringing weapons to school with contributing to the delinquency of a minor.[34] Chowan County is considering reporting parents of students who bring weapons to school to the police and to the local social services agency.[35] Senator J. Richard Condor has

stated that he will propose a bill modeled after that of Halifax County that penalizes parents for contributing to a minor's delinquency if their child brings a parent's gun to school.[36]

Policies and Programs for Students Expelled for Misconduct and Crime

This is an area that appears to be delegated to local districts. Even California, with the most comprehensive state legislation, only *recommends* expulsion for weapons possession to local districts.

North Carolina school districts such as Durham have policies calling for immediate suspension of anyone carrying a gun. In some districts, students are expelled for the remainder of the school year. North Carolina does not have a state program for students who are expelled. In fact, the case notes regarding school laws on suspension and expulsion state, "The public schools have no affirmative duty to provide alternative programs for suspended students, in the absence of legislative mandate."[37]

In response to the problem of students dropping out of school, however, the North Carolina General Assembly in 1985 appropriated funds for one in-school suspension position at each secondary school having grades 9 and 10 or a 12th grade. The stated purpose of the in-school suspension program is to provide opportunities for problem students to develop the degree of self-discipline required to take advantage of the school's academic program. An evaluation of the program revealed that there was wide variation in implementation at the local level and that the effectiveness of in-school suspension for preventing students from dropping out of school was questionable. Recommendations were made to consider other strategies for preventing dropouts.[38] The study did not, however, investigate the effectiveness of the in-school suspension on student conduct.

In addition to in-school suspension, some districts in North Carolina, such as Charlotte-Mecklenberg, have alternative school programs. Sponsored by the Cities-In-Schools program, one school in Charlotte-Mecklenberg serves 50 of the 500 to 600 students who need to be in an alternative school placement.[39]

Prevention and Intervention Strategies

Like the policies themselves, prevention and intervention strategies are most often designed and implemented at the local level. There are, however, a few state policies and statutes targeted to the development of safe schools. In California, for example, state statutes requires that all local districts and schools develop a comprehensive plan for school safety, discipline and attendance. The plan is to be developed cooperatively by parents, students, teachers, administrators, counselors, and community agencies and approved by the local board. Tennessee requires orientation and training programs for principals that are developed by the local district *and* local law enforcement officials. California has established a state wide school Law Enforcement Partnership that has developed a Model Safe Schools Program Package for providing workshops and staff development for administrators, teachers and students. The State Department of Justice provides release time so local law enforcement officials and district attorneys may participate in the program. South Carolina requires the regular use of a model safe schools checklist to assess schools' safety strengths and weaknesses. The checklist includes such topics as: (a) the existence of a comprehensive safety plan, (b) communication of discipline policies and procedures, (c) intra- and interagency emergency planning, and (d) training of staff and students.

North Carolina does not have statewide prevention and intervention programs directed to school safety per se. There are, however, a

number of programs being implemented in various LEAs that address the problem directly or indirectly. These include the aforementioned in-school suspension program and alternative schools. Other programs, such as Effective Schools with its safe school component, D.A.R.E., and Cities-in-Schools, address problems related to at-risk students and factors associated with their and the school's safety. The extent to which these programs are being implemented in North Carolina, or the gaps and overlaps in programs sponsored by various state agencies such as the Department of Public Instruction and the Department of Human Resources are not known.

Discussion and Recommendations

Reflection on the contextual factors that lead to juvenile crime in schools and the characteristics of safe schools suggests that states are adopting increased punitive policies rather than policies that address the problems that students who are children bring to school. Since these policies and statutes are so new, it remains to be seen if they will indeed reduce the violence and potential violence in schools. After four years of its comprehensive safe school legislation and reporting system, California recorded a 2 percent decrease in school crime. The biggest decrease was in substance abuse. Weapons possession and assault, however, had increased.[40]

What Should North Carolina and the State Board Do to Address this Problem in our State?

We cannot begin to have the world-class schools called for by Mr. Haworth to this Board on the recently published report by the Public School Forum[41] if students and school staff fear for their safety in school or if the problems in students' families and communities are overwhelmingly larger than students can handle and still be successful in school. We therefore need two kinds of strategies: (a) those designed to deter crime in schools, and (b) those designed to prevent school misconduct and crime by helping students develop both personally and academically.

Strategies to Deter Crime in School

> ***RECOMMENDATION #1:*** *Require local school boards to add policies regarding school crime, particularly weapons possession, to their existing school conduct policies.*

It is a sad state of affairs that schools must address the issue of crime within and around their buildings, but the statistics and experience of schools in the state indicate that crime does exist. LEAs must be equipped with policies to address school crime, particularly the possession of weapons by students so that action may be taken and the safety of children and school staff may be assured.

It is recommended that the North Carolina State Board of Education adopt a policy similar to that of Mississippi (See Appendix B), requiring local boards of education to adopt policies regarding the possession of weapons at school. Many LEAs in the state have already established such policies. A requirement will ensure that all have them.

A second strategy that the State Board might consider is an analysis of local board policies regarding school misconduct and crime similar to the ones conducted by the Governor's Advocacy Council on Children and Youth in 1982 and 1984.[42] Their latest report revealed that, at the time, most districts had exemplary or adequate policies regarding codes of student conduct and corporal punishment, and that almost half of the districts did *not* have adequate policies regarding suspension and expulsion or suspension and

Table 1. Annual Per Person State Costs for North Carolina Institutions (1990-91)

1. Public Schools	$ 3,008.65
2. Eckerd Therapeutic Wilderness Camp (community based alternative to training school)	$ 22,334.35
3. Training School	$ 38,843.30
4. State Prison	$ 19,425.30

expulsion for "special needs" students. On the more positive side, the study revealed that 78% of the districts provided in-service training in classroom management for their teachers and principals and 90% had in-school suspension programs. Things have changed since 1984 and an update of this analysis including policies regarding school crime would seem to be useful.

***RECOMMENDATION #2:** Encourage local school boards to include a broad range of alternative consequences and interventions for misconduct and crimes conducted by children in school.*

The issue of consequences for school misconduct and crime is not an easy one. We are, after all, often talking about disruptive, dangerous, and violent acts conducted by our state's children. While our children are living with, experiencing and exhibiting more disruptive and violent behaviors, they still are children who are often too young and inexperienced to make the judgments we expect of adults. Those who have been found to have brought weapons to school are not just older high school students. They include elementary and middle school students as well.[43]

In just nine North Carolina school districts for which newspaper reports have reached the Triangle Area, 96 students have been found to have brought guns to school so far this year (i.e. Pitt, Wake, Chapel Hill, Durham City, High Point, Winston-Salem and Davidson). If one were to extrapolate the average of 10.7 students per district to the state's 133 districts, the total number of students found to be carrying weapons from August to April would be 1423. Should all of these children, regardless of age, be expelled from school to a variety of home and community situations? Should offenses with BB guns or start pistols be treated the same as those with semi-automatic weapons? Should all children who commit crimes in school be arrested and face training school or prison? (See Table 1 for cost comparisons) It would seem, based on questions such as these, that a single solution to school crime, e.g. weapons possession, is not viable.

Other school districts in the country, e.g. Milwaukee have approached this problem by being very specific about school misconduct and crime and also being very specific about a *range* of consequences from which schools may choose depending upon the circumstances. (See Appendix E) Encouraging similar kinds of policies for North Carolina LEAs would seem to provide both the structure and the flexibility that schools need to appropriately handle the individual situations which they face.

RECOMMENDATION #3: *Encourage local school boards to widely disseminate their policies regarding student conduct and school safety.*

Discussions of school policy regarding student conduct often reveal that the policies are not known by school staff, students, parents, and the community. North Carolina public school law requires that all policies regarding corporal punishment, suspensions, or expulsion be made available to each student and his/her parent or guardian at the beginning of each school year.[44] A more aggressive campaign to acquaint school personnel, students, parents, and the community with the local district policies and consequences of violation of policies would seem to be helpful to all groups and a possible deterrent to violations. Besides posting the policies in schools and including them in the student handbook, which are the traditional methods of communicating school policies regarding student conduct, LEAs should be encouraged to implement strategies that would more directly ensure that the information reaches each of the target groups having a vested interest in school safety. Strategies such as acquainting school personnel with policies during orientation at the beginning of the year, providing students with instruction in school policies at the beginning of the year, sending policies home with students, and implementing strategies for acquainting the community such as publishing the policies in local newspapers are ones LEAs might be encouraged to consider.

RECOMMENDATION #4: *Launch and/or encourage local communities to launch public information campaigns promoting safety in school.*

As indicated earlier, the solutions to problems associated with having safe schools with good learning environments for students will not be found in the school alone. Parents and community members will need to join with and support the school systems. Those outside the school must first be made aware of the issue and encouraged to participate. The State Board might suggest that local communities conduct public information campaigns calling for safe schools, advertise the conduct policies of the school, encourage parents to safely and securely store their own weapons, and invite parent and community participation in schools.

The State Board could lead the campaign by such strategies as issuing a proclamation supporting safe schools and requesting the Department of Public Instruction to develop strategies to publicize the state's position on school safety similar to those used in substance abuse prevention programs.

RECOMMENDATION #5: *Support legislation that makes parents responsible when children take guns from their homes to schools.*

Since the problem of students having weapons in school is so dangerous and widespread, all efforts that have the potential for reducing weapons at school should be exercised. Since most of the guns found in school come from children's homes, steps should be taken to encourage parents to be more responsible in the possession and security of their firearms. One strategy is to make parents legally responsible for any guns from home that their children take to school. The State Board could express their desire for greater parental responsibility by supporting legislation containing consequences for parents of children who bring guns to school such as that proposed by Senator Condor. In addition, the State Board could call upon law enforcement agencies and organizations like the National Rifle Association to strengthen their information campaigns regarding safety and security of guns kept in homes.

Strategies to Prevent School Misconduct and Crime

> ***RECOMMENDATION #1:*** *Gain a better understanding of the nature of the problem of school misconduct and crime in North Carolina and the status of programs in place to address the problem.*

The biggest obstacle that we all faced in preparing reports on this topic for the State Board was the lack of consolidated information on the nature of the problem of school misconduct and crime in the state. Before specific recommendations can be made based on the real problems of North Carolina, we need to gather and synthesize information from a variety of sources.

Information is needed from the LEAs, from local school board members, central administration, school building administrators of elementary, middle and senior high schools, and teachers. Those involved in both law enforcement and the judicial system need to be involved as well as representatives of other state and community agencies that address the problems of children such as public health, mental health and social services. Parents are a key component as well as members of the community.

There are a number of ways that this may be accomplished. The State Board could convene a Task Force on school safety composed of representatives of the key constituent groups. A second strategy would be to conduct a conference on school safety with contributions from these same groups. In either case, the charge to the Task Force or design of the conference should be to provide data and descriptions that will lead to a better understanding of the problem as it currently exists in North Carolina. South Carolina's Task Force report provides an example of the kind of information that needs to be gathered.[45] (see Appendix F for their recommendations).

It is not enough to know what our problems are. We also need to know what is already being done to address the problem. The State Board should ask the Department of Public Instruction to compile information on the status of various programs at the state level and in LEAs that are related to this issue and are currently in place, e.g. substance abuse programs, drop out prevention programs, Effective Schools, Cities-in-Schools and the status of in-school suspension programs and alternative schools.

> ***RECOMMENDATION #2:*** *Encourage local school boards and education agencies to work with parents, community agencies and citizens to analyze the problem of school safety in their school district and develop strategies to solve their local problems.*

One of the reasons that most policy regarding school conduct is found at the local level is that the problems and values of communities differ. The problems and solutions for Pamlico County, for example, are different from those of Charlotte-Mecklenberg. Also, incidents requiring attention must be handled at the local level. The State Board should encourage local school boards and education agencies to seek out representatives of other community agencies and citizens to analyze the issues related to school safety in their communities and develop strong working relationships to address their local problems. For issues related to school crime it is particularly important that representatives of the school district, the local law enforcement agency, and the court system work together.

Communities might be encouraged to use resources such as the *School Safety Check Book*[46] or the *Model Safe School Checklist* developed by South Carolina[47] to analyze the status of safety in their schools The Board should encourage LEAs to summarize their results into plans for improving school safety and to include these in the

improvement plans they develop as part of their Senate Bill 2 activities.

> ***RECOMMENDATION #3:*** *Provide information to local education agencies regarding successful programs and practices designed to ensure school safety and student success.*

One of the ways that a state may be particularly helpful to local districts is to provide them with information regarding issues and successful programs and practices from across the state and the nation.

North Carolina is particularly fortunate to have the Institute of Government that focuses on legal issues in education in its publications *Education Law in North Carolina* and the *School Law Bulletin.* The Institute has published a number of articles related to issues of school conduct and juvenile crime to which school districts have access. (See Appendix G for a partial listing of relevant articles). Likewise, the Department of Public Instruction through its *School Management Advisor* provides LEAs with information on topics related to this issue such as its recent issue on search and seizure.[48]

The State Board through the Department of Public Instruction and the Educational Policy Research Center could guide LEAs to resources to which they already have access. In addition, the State Board could encourage the Department and Policy Center to keep LEAs informed about other policies, publications and programs that would be of value. To address the problem of school safety most directly, the Department of Public Instruction could provide each school district with a copy of the *School Safety Check Book* mentioned earlier.[49] This publication discusses the issues of school climate and discipline, school attendance, personal safety and school security, provides checklists in each area for a district to assess its status and determine needs, and provides descriptions of model programs related to school safety. It is the best single publication on school safety that we found. Other information such as descriptions of curriculum STAR which is designed to reduce gun violence would seem to be helpful to LEAs.[50]

> **RECOMMENDATION #4:** *Develop programs for disruptive and excluded students and recommend them for funding.*

This report has already described the problems associated with no educational alternative for the long term suspension or expulsion of disruptive and violent students. An equally problematic solution is to have disruptive and violent students remain in a regular classroom with no support for the classroom teacher and/or no alternative to the regular classroom placement. Under such circumstances, effective learning cannot take place and the personal safety of the students and school staff is jeopardized.

In order to concentrate on the educational process, teachers need to have personnel upon whom they may call to work with or provide alternative placements for seriously problematic students. The literature notes the positive relationship between support personnel, i.e. school counselors, psychologists, nurses and other community agency staff, and school safety. Given this information and the knowledge that many North Carolina students have serious family and personal problems, it would seem that these kinds of support personnel are particularly important for our state's schools. However, the budget crisis in the state occurred during the same year that the instructional support component of the Basic Educational Plan (BEP) was to have been funded. It was not funded, and its future is uncertain. The plan for the BEP suggests that the current level of funding for instructional support positions in the state is inadequate. As the State Board gathers information on the nature of student misconduct and crime in the

state, it would seem to be particularly beneficial to gather information about the adequacy of instructional support for disruptive and violent students in order to substantiate the BEP claim or demonstrate that current resources are sufficient.

The limited information about alternative programs available in newspaper reports suggests that all LEAs do not have alternative educational programs for excluded students or that attendance at some of the available alternative programs is voluntary.[51] A careful study of this area and recommendations for alternatives may become an imperative as more local districts adopt policies that would lead to the suspension or expulsion of students who are found to have brought weapons to school.

RECOMMENDATION #5: *Analyze the Standard Course of Study for its inclusion of instruction in personal development including self-discipline, decision making, and conflict resolution.*

Most of the curricula that are being developed and implemented relating to school misconduct and violence contain instructional components on self-discipline, decision-making, conflict resolution and resisting peer pressure. To what extent is North Carolina providing instruction that would help students find more constructive behaviors than disruption and violence? Since North Carolina requires a Course of Study through the BEP, it would seem prudent to examine the Course of Study to identify any gaps in the kinds of instruction whose goal is reducing problem behaviors in school.

RECOMMENDATION #6: *Analyze the training needs of school administrators, teachers and school building staff regarding safety and school climate. Develop and conduct training statewide where needed.*

Certified school personnel are usually given some instruction in classroom and student management in their pre-service programs and often again as part of their in-service training. The extent to which this is adequate is unknown. It can be speculated that few school personnel, certified or not, have adequate training to handle particularly violent students, students with weapons, or emergencies caused by violence and weapons. An analysis of the training needs of school personnel in the areas of school safety and climate would help determine the extent of the training need and content of the training. Appropriate training could then be provided.

RECOMMENDATION #7: *Model interagency coordination for local communities by working with the Department of Human Resources, and the Juvenile Division of the Administrative Offices of the Courts to develop or expand existing programs designed to meet the needs of disadvantaged and at-risk children in North Carolina.*

Perhaps the most important and most difficult recommendation has been stated last. We know that our students need a better education. The statistics at the beginning of this report inform us that many of our students need a lot more. Their needs cannot be met by the educational system alone. During the time that the state is considering a comprehensive approach to meeting the needs of these students such as Kentucky's Family Resource/Youth Services Centers for students and families with special health, welfare, justice and education needs,[52] the state should explore ways of addressing student needs related to disruptive and criminal behavior with its existing resources.

Many of the programs in the Department of Human Services (DHR) are directed to the children and families most at risk for behavior problems and violence, and the juvenile division

of the Administrative Office of the Courts is concerned most directly with the decisions regarding the outcomes for juveniles charged with crimes. Both play important roles in the factors associated with student conduct and crime in schools and should, therefore, be included in the solutions. State Board leadership in bringing these groups together would emphasize the importance of a multi-agency approach and model interagency coordination for local school districts and communities.

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WHAT ANDY'S PAYING

The News & Observer
April 3, 1992

Any youngster who does so dumb and dangerous a thing as taking a gun to school needs to pay a stiff price. There's no doubt that's what 14-year-old Andy Hinton is paying. There's plenty of doubt about whether Wake schools and this community are exacting that payment in the right currency.

Wake schools suspended Andy in January for the rest of the year for taking an unloaded revolver to the Mount Vernon Redirection's school, where he'd been assigned after getting in fights at North Garner Middle School. His tale of intending to let a friend use the pistol to scare off some other kids who had a gun is no excuse at all.

But because Wake is devoid of programs to keep kids like Andy busy, and maybe learning something useful while they're suspended, what he's forfeiting is five months of his life that's pretty much a dead waste and could prove worse. It's over two months since Wake juvenile court assigned him to a program that's supposed to get him with a big-brother-type volunteer counselor. No such person has yet shown up. Meanwhile he watches TV and rides his bike around the yard.

Andy does have a mother who tries to ride serious herd on him, to keep sheer mind-blowing boredom from leading him into more and deeper trouble between now and fall, when he'll start seventh grade again at Redirection.

But Wake currently has 13 other Andys -- kids who took firearms to school and now are out of there and into who knows what. Not all have mothers like Andy's. Juvenile court counselors see them rarely, teachers or school counselors never. There's only TV, with its endless mayhem, or the street, where tempting traps wait for idle kids.

Taxpayers are smart. They know what letting the Andys become true "throwaway kids" could cost later. They know it's much more than the cost of a little firm guidance and help now.

While School Board Chairman John Gilbert's new task force works to keep guns and violence out of school, the Andys who've already goofed will keep growing older, bigger and more bored. Superintendent Robert Wentz, who knows it may not help much to stop the sin if in so doing you trash the young sinner, seems to want to get some kind of program going for them. He's seen it work before, in Nevada. But other Wake agencies -- social services, law enforcement, and especially, courts -- have to be part of it.

District Attorney C. Colon Willoughby's public profile has been remarkably low since the Wake community elected him. Now that community is increasingly worried about schools and guns and violence and kids like Andy, Willoughby, like Wentz, is one of the few who could do something. Wake is waiting.

Mississippi State Board of Education Weapon Policy

State Board of Education Weapon Policy

The State Board of Education requires local school districts to have a policy concerning weapons on school premises, which shall contain at least the following provisions and which may include such additional provisions as the local school district deems appropriate:

The _____ _____ Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

Approved by the State Board of Education: October 26, 1990

Appendix C

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
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January 25, 1988

MEMORANDUM

TO: Leslie Davis, Staff Attorney

FROM: Sara Kamprath, Legal Assistant

RE: School discipline

In answer to your request about the legal framework for managing unruly students, I found the division of responsibility to be as follows:

Local Boards of Education and Superintendents of Local Board

Pursuant to G.S. 115C-391(a) policies concerning student conduct are adopted by the local boards of education. At the start of each school year, students and their parents shall have access to published copies of these policies and any policies concerning student suspensions and expulsions.

A superintendent's duty, as outlined in G.S. 115C-276, is to execute the board's policies and all the board's actions are binding on the superintendent. G.S. 115C-47(15) gives local boards the authority to "prescribe the duties of the superintendent as subject to the provisions of G.S. 115C-276(a)."

Pursuant to G.S. 115C-391(d), the local board, with the superintendent's and principal's recommendation, may expel students aged 14 or over who have felony convictions and whose attendance at school "constitutes a clear threat to the safety and health of other students or employees." A local board's

decision to expel a student is final and subject to judicial review under the provisions of Article 4 of G.S. 150B.

Principals, Assistant Principals, Teachers, Substitute Teachers, Voluntary Teachers, Teacher Aides and Assistants

Principals are authorized in G.S. 115C-288(e) to discipline students according to the policies set by the local board in G.S. 115C-391(a) and to suspend or dismiss students according to the provisions of G.S. 115C-391 as set out below.

G.S. 115C-391(b) authorizes school principals or their delegates to suspend students up to 10 days, provided that the student has the chance to make up any exams. Suspended students must "willfully violate" the student conduct code adopted by the local board of education.

Suspensions for more than 10 days must have the prior approval of the superintendent according to G.S. 115C-391(c). Suspensions for more than 10 days shall not exceed the number of days remaining in the school calendar. The principal's decision to suspend a student may be appealed by the student or his parents to the local board.

Pursuant to G.S. 115C-391(e), a local board's ruling on suspensions of 10 days or more is final and subject to judicial review under Article 4 of G.S. 150B.

G.S. 115C-288(e) also authorizes principals to use reasonable force when disciplining students. G.S. 115C-390 also authorizes principals, teachers, substitute teachers, voluntary teachers, teacher aides and assistants and student teachers to use reasonable force as a means of maintaining order. G.S. 115C-391(a) defines corporal punishment as a type of reasonable force. This section also sets out under what conditions reasonable force, including corporal punishment, is allowed.

An assistant principal, with the local board's approval, may be assigned the duties of a principal. G.S. 115C-289 and G.S. 115C-47(19). When a principal or supervising teacher, according to G.S. 115C-307(a), gives a teacher authority over some part of the school program, then the teacher becomes responsible for maintaining discipline.

Children with Special Needs

Pursuant to G.S. 115C-112, children with special needs can not be suspended for more than 10 days at a time or for periods totaling more than 10 days until a multidisciplinary team reviews an evaluation of the child. This evaluation should consider whether the child's special needs are causing the behavior which would normally result in a suspension or expulsion. If there is

no correlation between the child's special needs and the behavior, then the normal disciplinary procedures should be set in motion. If the child is not receiving the proper education based on his needs or not receiving the proper medication, then the usual disciplinary procedures do not apply and an appropriate program of education or medication is begun.

When a child with special needs behaves in a manner posing a threat to himself or others, suspension may begin immediately and not last for more than 10 days. The evaluation should be conducted as soon as possible. In cases where the cause of the suspension was related to the child's condition or the lack of proper medication, then the parties have available the due process rights under G.S. 115C-116 and 20 U.S.C. 1415. G.S. 115C-391(d) states that the school has no duty to continue to provide a child with special needs who has been expelled pursuant to that subsection with any special education or related services during the period of expulsion.

Attached are copies of the statutes referred to herein.

North Carolina Statute Regarding Weapons on Campus or Other Educational Property

14-269.2. Weapons on campus or other educational property.

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this section a self-opening or switchblade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase "weapon of like kind" includes razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This section shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the national guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties, any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties, and any private police employed by the administration or board of trustees of any public or private insituttion of higher education when acting in the discharge of their duties.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both such fine and imprisonment, not to exceed five hundred dollars ($500.00) fine or six minths imprisonment. (1971, c. 241, ss. 1, 2; c. 1224.)

Appendix E

Milwaukee's Promise

To Our children, For Our Future

Student Nondiscrimination Policy under Section 118.13 and P. 19 Wisconsin Administrative Code

The Milwaukee Public School District is committed and dedicated to the task of providing the best education possible for every child in the district for as long as the student can benefit from attendance and the student's conduct is compatible with the welfare of the entire student body.

Policy

It is the policy of the Milwaukee Public Schools that no person may be denied admission to any public school in this district or be denied participation in, the benefits of, or be discriminated against in any curricular, extra-curricular, pupil services, recreational, or other program or activity because of the person's sex, race, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation, or physical, mental emotional or learning disability or handicap as required by S.118.13 Wisconsin Statute. This policy includes, but is not limited to the following: standards and rules of behavior, including student harassment, disciplinary measures, suspensions, expulsions, acceptance of gifts, scholarships, aid, benefits, services to students, instructional, library, media materials, selection, testing, evaluating and counseling students, facilities, opportunities for participation in athletic programs or activities and food-sponsored services/programs. This policy also prohibits discrimination as defined by Title IX of the Education Amendments of 1972 (sex), Title VI of the Civil Rights Act of 1964 (race and national origin), and Section 504 of the Rehabilitation Act of 1973 (handicap).

The district encourages informal resolution of complaints under this policy. If informal resolution is not achieved, a formal complain resolution procedure is available to address allegations of violation of the policy in the Milwaukee Public Schools. Discrimination complaints shall be processed in accordance with the procedures set forth in this policy.

Designated Employee

Any questions concerning this policy should be directed to:

Sandra F. Thomas
Affirmative Action Officer
Milwaukee Public Schools
5225 W. Vliet St. P.O. Drawer 10K
Milwaukee, WI 53201
(414) 475-8500

Student Rights and Responsibilities

	Examples of conduct which violate expectation	Definition	Discipline Action Levels* Minimum Minor	Maximum Serious/Repeated
Attendance and Punctuality	Tardiness	Failure to be in a place of instruction at the assigned time without a valid excuse.	1	2
	Truancy	Failure to report to school or class without prior permission, knowledge, or excuse by the school or the parent.	1	2
Appropriate Learning Environment	Inappropriate dress	Dressing or grooming in a manner which disrupts the teaching and learning of others.	1	2
	Chronic lack of supplies	Repeatedly reporting to class lacking necessary materials such as books, physical education attire, industrial education class supplies, etc.	1	2
	Inappropriate personal property	Possession of personal property prohibited by school rules and otherwise disruptive to the teaching and learning of others such as food, beverages and electronic equipment.	1	3
	Refusal to work or follow instructions	Failing to comply with a proper and authorized direction or instruction of a staff member.	1	3
	Classroom disruption	Behaving in a manner which disrupts or interferes with educational activities.	1	3
	Leaving without permission	Leaving the building, classroom, or assigned area without obtaining prior approval of the teacher and/or administrator.	1	3
	Gang symbols	Disruption and intimidation caused by the use of any type of clothing or jewelry identifiable as gang symbols.	1	4
	Other similar offenses	Engaging in other similar conduct which disrupts the educational process or interferes with teaching and learning.	1	4

Discipline Action Level Key

* Level 1 - Conference
Level 2 - Intervention
Level 3 - Suspension
Level 4 - Referral to the Office of the Superintendent
Level 5 - Expulsion Recommendation

Student Rights and Responsibilities

	Examples of conduct which violate expectation	Definition	Discipline Action Level* Minimum Minor	Maximum Serious/Repeated
Protection of Physical Safety and Mental Well-Being (Non-Criminal Acts)	Use of profanity	Writing, saying, or making gestures which convey a grossly offensive, obscene, or sexually suggestive message.	1	2
	Harassment/verbal abuse	Disturbing consistently, by pestering or tormenting, in the classroom or elsewhere on the school site.	1	3
	Assault	Threat with intent to place a person in imminent danger of harmful or offensive contact without the person's consent.	1	3
	Personal threat	Intent to do bodily harm, threats.	1	4
	Fighting	Involves the exchange of mutual physical contact such as pushing, shoving and hitting, with or without injury.	1	4
	Other similar offenses	Engaging in other similar conduct which disrupts the educational process or interferes with teaching and learning.	2	5
Protection of Physical Safety and Mental Well-Being (Criminal Acts)	Loitering	Remaining around or lingering about a school building without a lawful purpose for being there.	1	3
	Trespassing	Entering any school property or into school facilities without proper authority. Includes any school entry during a period of suspension or expulsion.	1	3
	Gambling	Playing any game of skill or chance for money or anything of value.	2	4
	Possession or use of fireworks	Using or possessing any explosive amusement device.	2	4
	Reckless vehicle use	Using any motorized or self-propelled vehicle on or near school grounds in a reckless manner or as a threat to health, safety, or as a disruption to the educational process.	2	5

Discipline Action Level Key

* Level 1 - Conference
Level 2 - Intervention
Level 3 - Suspension
Level 4 - Referral to the Office of the Superintendent
Level 5 - Expulsion Recommendation

Student Rights and Responsibilities

Protection of Physical Safety and Mental Well-Being (Criminal Acts) cont'd.

Examples of conduct which violate expectation	Definition	Discipline Action Level* Minimum Minor	Maximum Serious/Repeated
Disorderly conduct	Behaving in a violent or seriously inappropriate manner which disrupts the educational process.	3	4
Battery	Intentional physical or offensive contact without consent.	3	5
Extortion	Forcing other persons to act against their will, such as the demand of money.	3	5
Robbery	Taking property from a person by force or threat of aggression.	3	5
Sexual assault	Intentional sexual contact of a harmful or offensive nature.	3	5
False fire alarms	Reporting a fire to school or fire officials or setting off a fire alarm without a reasonable belief that a fire exists.	3	5
Possession of a weapon other than a gun	Students are prohibited from possessing a dangerous weapon their way to and from school or on school property. A weapon other than a gun is defined as a knife, razor, karate stick, metal knuckle, or any other object which, by the way it is used or intended to be used, is capable of inflicting bodily harm.	4	5
Bomb threats	Reporting to school, police, or fire officials the presence of a bomb on or near school property without a reasonable belief that a bomb is present on school property.	4	5
Threats with or the use of a weapon	Using a weapon to threaten another person with bodily injury or to cause injury.	5	5
Possession of a gun	Possession, use, or threat to use a gun.	5	5
Other similar offenses	Engaging in other similar acts which endanger the physical safety or mental or emotional well-being of others.	2	5

Discipline Action Level Key

* Level 1 - Conference
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Student Rights and Responsibilities

	Examples of conduct which violate expectation	Definition	Discipline Action Level* Minimum Minor	Maximum Serious/Repeated
Protection of Property (Criminal Acts)	Vandalism	Maliciously and intentionally causing damage to school property or the property of others. Includes situations in which minor damage can be repaired or replaced at no cost to the school district.	1	5
	Possession of stolen property	Having in one's possession property obtained without permission of the owner.	2	5
	Theft/Larceny	Taking property belonging to the school or any individual or group without prior permission with specific intent to permanently deprive.	2	5
	Burglary	Unauthorized entry into a school district building for the purpose of committing a crime when the building is closed to the students and public.	3	5
	Arson	Intentionally starting any fire or combustion on school property.	4	5
	Other similar offenses	Engaging in any other similar actions like any of the above which threaten or result in the loss or destruction of property.	2	5
Controlled Substances (Criminal Acts)	Possession/ownership and use of illegal drugs/alcohol	Possessing, having under one's control or using any controlled substances or alcoholic beverages.	4	5
	Possession with intent to distribute illegal drugs/alcohol	Selling, giving away, or otherwise transferring to another person any controlled substance or alcohol; includes any transfer of a prescription drug or any substance alleged to be a drug regardless of its actual content.	4	5
	Other substances/material	Possessing, using, or having under one's control any substances, materials, or related paraphernalia which are dangerous to health or safety or which disrupt the educational process.	2	5

Discipline Action Level Key

* Level 1 - Conference
Level 2 - Intervention
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RECOMMENDATIONS OF FLORIDA'S VIOLENCE PREVENTION WORK GROUP

1. Establish a simple reporting procedure for all instances of violent/disruptive behavior
   - Emphasize simplicity, accurace and uniformity

2. Develop standardized definitions to recommend for use by all school districts

3. Identify and review model district policies for recommendation to school districts

4. Have reporting procedure and policies reviewed by district superintendents

5. Make choices available to schools and districts on data collection and transmission

6. Distribute model policies and reporting procedures to schools/districts by the first of the year

7. Recommend that violence prevention be incorporated as a major emphasis of the School Accountability and Improvement Process
   - Review accountability outcomes to include crime/safety/violence reporting issues

8. Identify sources of funding for data collection and new initiatives
   -Revise formula for Safe Schools funding, which currently addresses high-risk districts (and favors large districts)
   - Extend Drug-Free Schools programs to include violence prevention
   - Explore alternative means of funding initiatives

9. Expand Youth Crime Watch and Varsity Patrols
   - Expand funding base to develop programs across the state

10. DOE's Prevention Center should continue to disseminate violence prevention information and components of successful programs, such as Hot Topics publications like *Alternative to Suspensions*, which has a section dealing with violence prevention

11. Encourage school-level improvement plans to incorporate violence prevention objectives

RECOMMENDATIONS OF THE SOUTH CAROLINA SAFE SCHOOLS COMMITTEE

1. In order to identify trends and improve efforts at prevention, a statewide system should be implemented for the uniform collection and reporting of serious disruptive acts occurring in association with the operation of the public schools.

2. With the goal of systematically assessing school safety, the state department of education should develop and disseminate a model safe schools checklist to be used by school officials on a regular basis.

3. In order to deter individuals from bringing weapons onto school grounds, the state of South Carolina should create safe school zones by increasing penalties (and providing swift action) for specified violations such as firearm possession, trespassing and drug or alcohol possession.

4. The General Assembly should provide legal consequences for negligent parents or guardians of students who commit serious offenses, such as firearms possession, drug possession, and trespassing, with the goal of making parents responsible for children's actions.

5. In order to help provide a safer school environment and improve treatment for disruptive students, the General Assembly should provide full funding for tiered alternative educational approaches for disruptive students both within the public schools and the youth corrections system.

6. School district Boards of Trustees should consider including in their expulsion order for any student their expectations for treatment by other community agencies. The Boards should also communicate to an affected student that treatment results will be considered in the subsequent application for re-enrollment by the expelled student in the following school year.

7. With the goal of providing long term planning and direction, a panel should be appointed by the State Superintendent of Education to survey annually the circumstances of children and youth and the influences on them, and to prepare a forecast of emerging educational concerns to the state.

8. The state Board of Education should revise existing guidelines for the site selection and building design of school facilities with the goal of improving safety. New safety standards should be applied to renovations and additions to existing buildings where feasible.

9. The State Department of Education should conduct a study to determine the optimum size and staffing of schools to assure adequate administration of schools and supervision of students.

10. In order to promote the safety of the general student population as well as to facilitate the transfer of potentially disruptive students from one agency to another, the General Assembly should study and enact appropriate legislation to promote interagency coordination in the sharing of critical information about students' behavioral histories.

11. With the goal of increasing school-site administration confidence in responding to violent behavior or potentially violent situations, the school districts should review current policies and administrative procedures to clarify expectations and provide administrators with appropriate legal briefing and advice.

12. In order to promote a safer school environment, school districts should encourage collaborative efforts among schools, families, businesses, law enforcement agencies, and community agencies.

13. The State Board of Education should develop a more comprehensive policy regarding school safety to include required emergency planning.

14. School personnel and others should be provided with training which focuses on developing and executing school emergency plans.

15. The General Assembly should provide funds to immediately install two-way communictions systems, powered by emergency power generation systems, between the classrooms and the office in all new and existing buildings.

Partial List of Institute of Government Articles on School Conduct and Crime

Majestic, A. (1985, Summer). Search and seizure in the schools: Defining reasonableness. *School Law Bulletin*, 6 (*3*), 1-8.

Majestic, A. (1988, Spring). Disciplining students for out-of-school misconduct. *School Law Bulletin*, 19 (*2*), 6-11.

Majestic, A. (1989, Winter). Corporal punishment in North Carolina. *School Law Bulletin*, 20 (*1*), 9-13.

Mason, J. (1984, October). Juvenile justice and North Carolina schools. *School Law Bulletin*, 15 (*4*), 1, 13-22.

Mason, J. (1987). Delinquent and undisciplined juveniles. In *Education Law in North Carolina*. Chapel Hill, NC: Institute of Government, 35-1 - 35-15.

Pursley, E. (1984, October). Criminal statutes adopted specifically for schools. *School Law Bulletin*, 15 (4), 1-12.

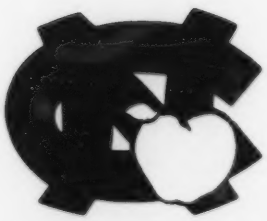
Sendor, B.B. (1988). Working with the police. In *Education Law in North Carolina*. Chapel Hill, NC: Institute of Government, 34-1 - 34-17.

Watts, L.P. (1986, Summer). *The duty to report a crime*. School Law Bulletin, 17 (*3*), 22-30.

Introducing the Center

The North Carolina Educational Policy Research Center was established in 1991 through a contract to the School of Education at the University of North Carolina at Chapel Hill from the State Board of Education. The mission of the Center is to strengthen the information base for educational policy decisions in North Carolina to enhance outcomes of schooling for children. The Center seeks to accomplish this mission by:

- conducting policy research and analyses;
- preparing research reports examining broad policy issues, policy briefs providing concise information about specific issues, and quarterly newsletters;
- disseminating research-based information on educational policy issues to North Carolina policymakers, educators and community leaders;
- providing a forum for the discussion of educational policy issues; and,
- training future educational leaders in the conduct and use of policy research.



School of Education
The University of North Carolina at Chapel Hill